

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Alfred L. Brooks,

Plaintiff, No. CIV S-97-2117 LKK PAN P

VS.

James Busi, et al.,

Defendants. ORDER

Plaintiff has filed a request for reconsideration of this court's June 1, 2005, order dismissing the action based on qualified immunity and judgment.

Standards For Motions To Reconsider

20 Although motions to reconsider are directed to the sound discretion of the court,
21 Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981),
22 considerations of judicial economy weigh heavily in the process. Thus Local Rule 78-230(k)
23 requires that a party seeking reconsideration of a district court's order must brief the "new or
24 different facts or circumstances [which] were not shown upon such prior motion, or what other
25 grounds exist for the motion." The rule derives from the "law of the case" doctrine which
26 provides that the decisions on legal issues made in a case "should be followed unless there is

1 substantially different evidence . . . new controlling authority, or the prior decision was clearly
2 erroneous and would result in injustice." Handi Investment Co. v. Mobil Oil Corp., 653 F.2d
3 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
4 denied, 475 U.S. 1064 (1986).

5 Courts construing Federal Rule of Civil Procedure 59(e), providing for the
6 alteration or amendment of a judgment, have noted that a motion to reconsider is not a vehicle
7 permitting the unsuccessful party to "rehash" arguments previously presented, or to present
8 "contentions which might have been raised prior to the challenged judgment." Costello v. United
9 States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d 1260, 1268
10 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280 (E.D. Pa. 1991).
11 These holdings "reflect[] district courts' concerns for preserving dwindling resources and
12 promoting judicial efficiency." Costello, 765 F.Supp. at 1009.

13 Here, plaintiff merely seeks to rehash arguments already presented and he fails to
14 meet the requirements for reconsideration under Local Rule 78-230(k) and Fed. R. Civ. P. 59.

15 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, this court's
16 order and judgment of June 1, 2005, are affirmed.

17 DATED: August 17, 2005.

18 /s/Lawrence K. Karlton
19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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